



SEW DDC  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Application of: )  
)  
Nesper, et al. ) Application No.  
) 10/731,284  
Patent No.: 7,674,280 )  
) Examiner:  
Issued: March 9, 2010 ) J Swiger, III  
)  
For: IMPLANT FOR FIXING ADJACENT BONE PLATES ) Art Unit: 3775  
)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST-CLASS MAIL in an envelope addressed to: MAIL STOP Patent Ext, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

**April 12, 2010**

By:

  
Denise Pastor

MAIL STOP Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER REGARDING PATENT TERM ADJUSTMENT**

Dear Sir:

The Patent Term Adjustment listed on the Patent issued March 9, 2010 indicates a patent term extension of 1212 days. Patentees submit that the 1212-day patent term extension is thought to be longer than appropriate.

In particular, the patent term extension appears to have been calculated without consideration to Patentees' *Notice of Appeal* filed on January 7, 2008 and Patentees' *Request for Continued Examination* filed on April 7, 2008. Patentees believe that the patent term extension should therefore be **1060 days**.

**Basis for Adjustment**

**A Delay**

U.S. Filing Date:	December 9, 2003
Date of First Action:	December 27, 2006

**Examination (PTO) Delay of 686 Days**

**B Delay**

3 year PTO Deadline to Issue Patent:	December 9, 2006
Date of Notice of Appeal filed:	January 7, 2008
Date RCE filed:	April 7, 2008

**Examination (PTO) Delay of 394 Days**

**C Delay**

Date Applicant's Response due:	January 4, 2008
Date Applicant's Response filed:	January 7, 2008

**Applicant Delay of 3 Days**

**Overlap**

3 year PTO Deadline to Issue patent	December 9, 2006
Date of First Action	December 27, 2006

**Total Overlap of 17 days**


**Conclusion**

<b>Total PTO Delay:</b>	<b>1080 Days</b>
<b>Total Applicant Delay:</b>	<b>3 Days</b>
<b>Total Overlap:</b>	<b>17 Days</b>
<b>Patent Term Adjustment =</b>	<b>1060 Days</b>

MAIL STOP Patent Ext  
Patent No. 7,674,280  
Letter Regarding Patent Term Adjustment  
April 12, 2010  
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Should there be any questions concerning the foregoing, the Examiner is invited to telephone Patentees' undersigned attorney.

Respectfully submitted,

  
\_\_\_\_\_  
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Date: April 12, 2010  
ATTORNEY DOCKET NO.: HOE-790